



Public Notice

Applicant:

Wegmans Food Markets

Date:

Published: May 26, 2004

Expires: June 25, 2004

**U.S. Army Corps
of Engineers**

In Reply Refer To:

Buffalo District **CELRB-TD-R RE: 2003-02013(0)** **Section: NY 404**

**Application for Permit under Authority of
Section 404 of the Clean Water Act (33 U.S.C. 1344).**

Wegmans Development Group, 100 Wegmans Market Street, P.O. Box 30844, Rochester, New York, 14603 is requesting Department of the Army (DA) authorization to fill approximately 0.60 acres of jurisdictional wetlands to redevelop and upgrade the existing Wegmans Plaza located on State Route 57 near the intersection of John Glenn Boulevard in the Town of Clay, Onondaga County, New York (see Sheet No. 1 of 9). The site is 68 acres in size and includes 0.76 acres of jurisdictional wetland (Wetland F) and 0.07 acres of isolated wetland (Wetland H).

Wetland F is a linear intermittent stream and wetland corridor that includes open water, shallow emergent marsh and forested/shrub areas (see delineation on Sheet No. 3 of 9). Dominant vegetation in the wetland consists of red and silver maple (*Acer rubrum* and *A. saccharinum*), green ash (*Fraxinus pennsylvanica*), pussy willow (*Salix discolor*), black willow (*Salix nigra*), silky dogwood (*Cornus amomum*), honeysuckle (*Lonicera* sp.), European buckthorn (*Rhamnus cathartica*), northern arrowwood (*Viburnum dentatum*), cattail (*Typha angustifolia*), common reed (*Phragmites australis*), purple loosestrife (*Lythrum salicaria*) and sensitive fern (*Onoclea sensibilis*).

The applicant proposes to expand the existing Wegmans Plaza and parking facilities by remodeling the old Ames store located within the plaza. The existing Wegmans store will be made available for retail space (see Sheet No.(s) 2 and 4 of 9). There are no previously authorized permits on file for impacts to Waters of the U.S., including wetlands for this parcel. The applicant evaluated one other on-site alternative, but found that this alternative would result in greater wetland impacts to Wetland F (see Sheet No. 5 of 9).

To compensate for the filling of 0.60 acres of wetland, the applicant proposes to create 1.44 acres of emergent and scrub shrub wetland to the north of the new facility. The mitigation plan proposes to incorporate the newly created wetland into the remaining wetlands on site. The proposed mitigation and monitoring plan are attached to the notice (see Sheet No.(s) 6-9 of 9).

Location and details of the above described work are shown on the attached maps and drawings.

Questions pertaining to the work described in this notice should be directed to Sandra L. Doran, who can be contacted by calling (315) 255-8090, or by e-mail at: sandra.l.doran@usace.army.mil

The following authorization(s) may be required for this project:

Water Quality Certification (or waiver thereof) from the New York State Department of Environmental Conservation.

There are no registered historic properties or properties listed as being eligible for inclusion in the National Register of Historic Properties that will be affected by this project.

In addition, available evidence indicates that the proposed work will not affect a species proposed or designated by the U.S. Department of the Interior as threatened or endangered, nor will it affect the critical habitat of any such species.

This notice is promulgated in accordance with Title 33, Code of Federal Regulations, parts 320-330. Any interested party desiring to comment on the work described herein may do so by submitting their comments, in writing, so that they are received no later than 4:30 pm on the expiration date of this notice.

Comments should be sent to the U. S. Army Corps of Engineers, 7413 County House Road, Auburn, New York 13021-8964, and should be marked to the attention of Sandra L. Doran, or by e-mail at: sandra.l.doran@usace.army.mil. A lack of response will be interpreted as meaning that there is no objection to the work as proposed.

Comments submitted in response to this notice will be fully considered during the public interest review for this permit application. All written comments will be made a part of the administrative record which is available to the public under the Freedom of Information Act. The Administrative Record, or portions thereof may also be posted on a Corps of Engineers internet web site. Due to resource limitations, this office will normally not acknowledge the receipt of comments or respond to individual letters of comment.

Any individual may request a public hearing by submitting their written request, stating the specific reasons for holding a hearing, in the same manner and time period as other comments.

Public hearings for the purposes of the Corps permit program will be held when the District Commander determines he can obtain additional information, not available in written comments, that will aid him in the decision making process for this application. A Corps hearing is not a source of information for the general public, nor a forum for the resolution of issues or conflicting points of view (witnesses are not sworn and cross examination is prohibited). Hearings will not be held to obtain information on issues unrelated to the work requiring a permit, such as property ownership, neighbor disputes, or the behavior or actions of the public or applicant on upland property not regulated by the Department of the Army. Information obtained from a public hearing is given no greater weight than that obtained from written comments. Therefore, you should not fail to make timely written comments because a hearing might be held.

The decision to approve or deny this permit request will be based on an evaluation of the probable impact, including cumulative impacts of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefits which reasonably may be expected to accrue from the proposal must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the proposal will be considered including the cumulative effects thereof; among these are conservation, economics, aesthetics, general environmental concerns, wetlands, historic properties, fish and wildlife values, flood hazards, flood plain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, considerations of property ownership, and in general, the needs and welfare of the people.

The Corps of Engineers is soliciting comments from the public; Federal, state and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the

preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

SIGNED

Thomas C. Switala
Chief, Regulatory Branch

NOTICE TO POSTMASTER: It is requested that this notice be posted continuously and conspicuously for 30 days from the date of issuance.

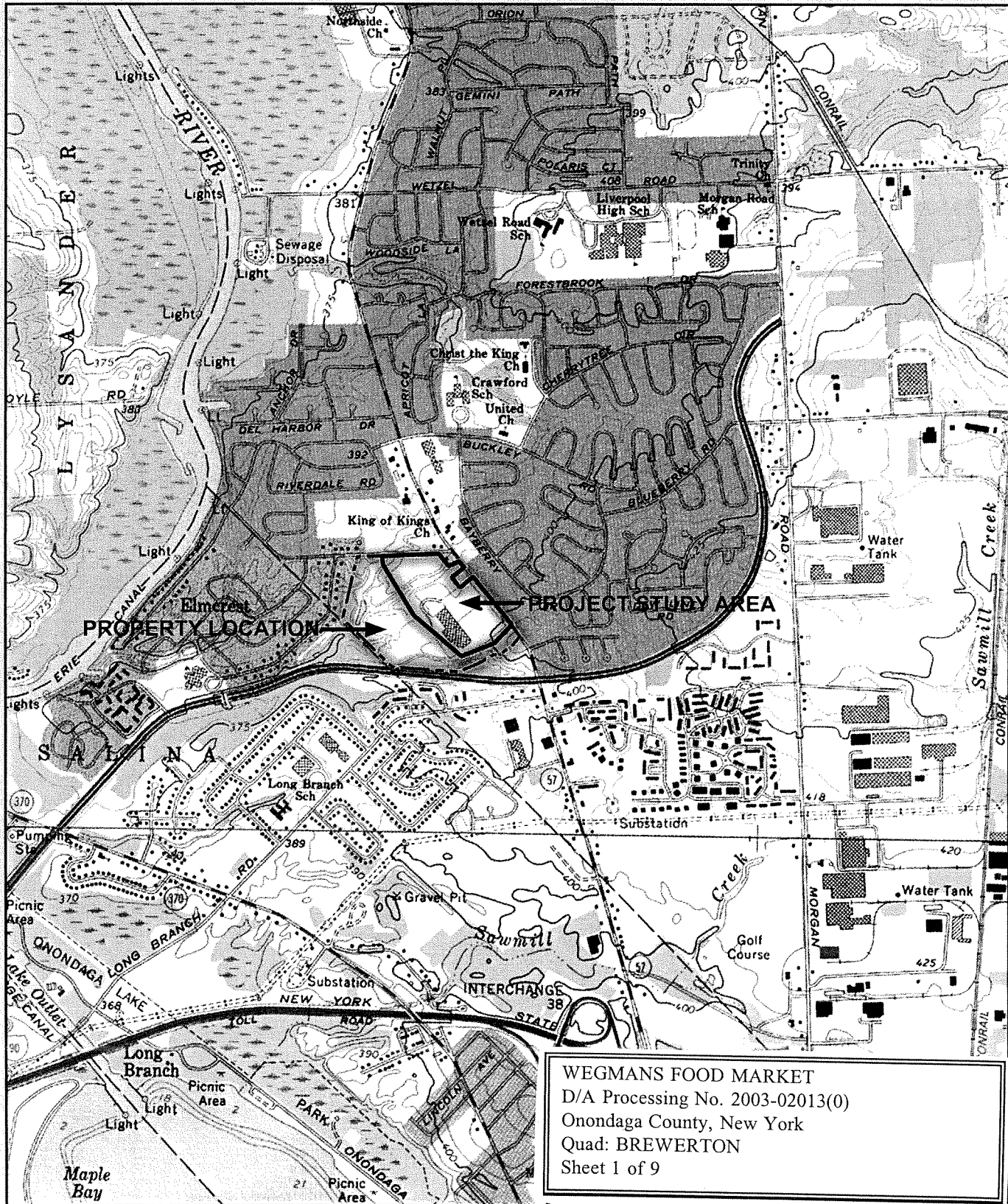


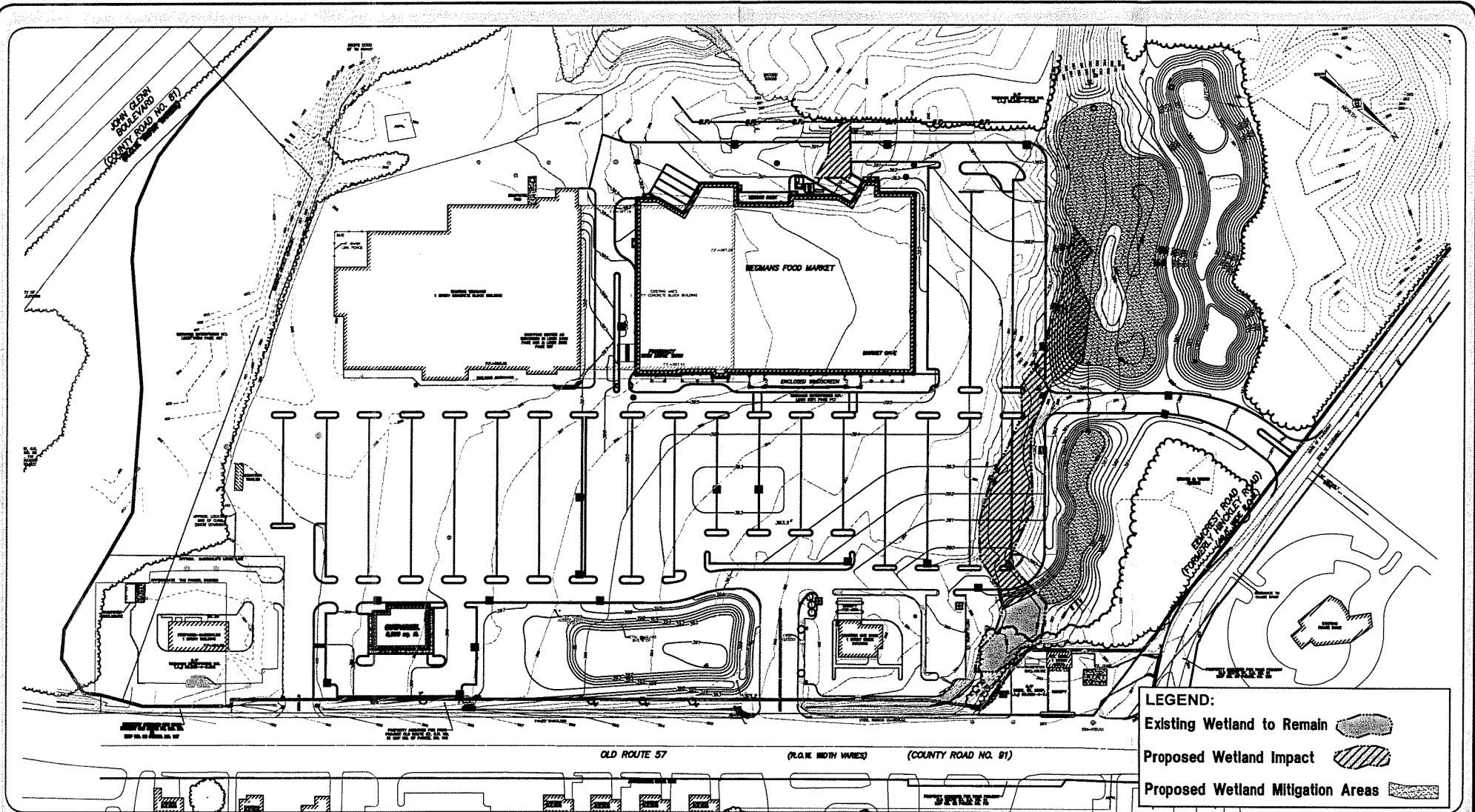
FIGURE 1: SITE LOCATION
WEGMANS FOOD MARKET - CLAY

Scale: 1"=2,000'

Base Maps: USGS Brewerton and Syracuse West Quads



NORTH



Prepared by:



Figure 4: Overall Site Plan

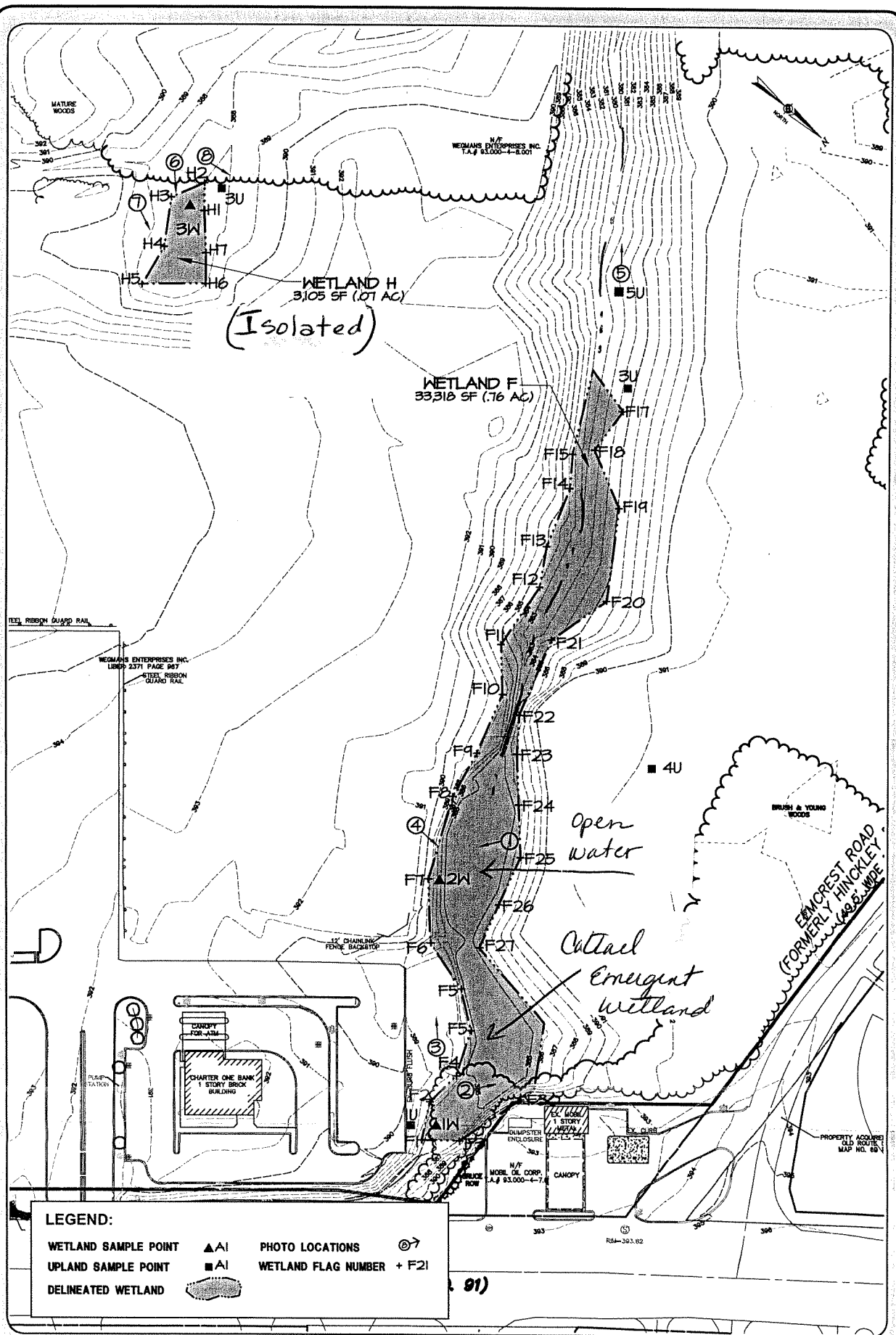
Not to Scale

Wegmans Food Markets Clay, NY

Source: Costich Engineering Site Plan, January 20, 2004

October 2003

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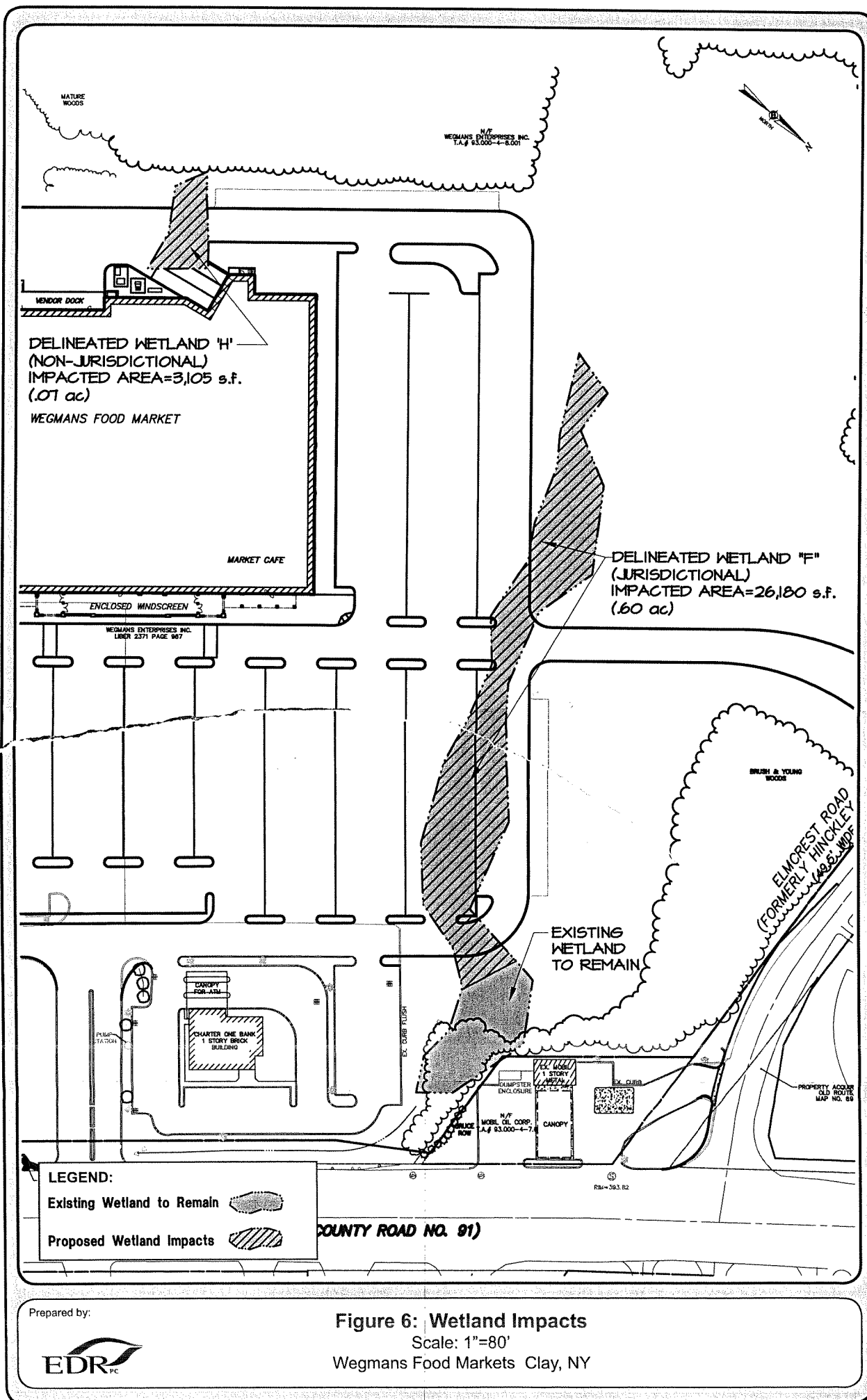


Figure 3: Delineated Wetlands

Scale: 1"=80'

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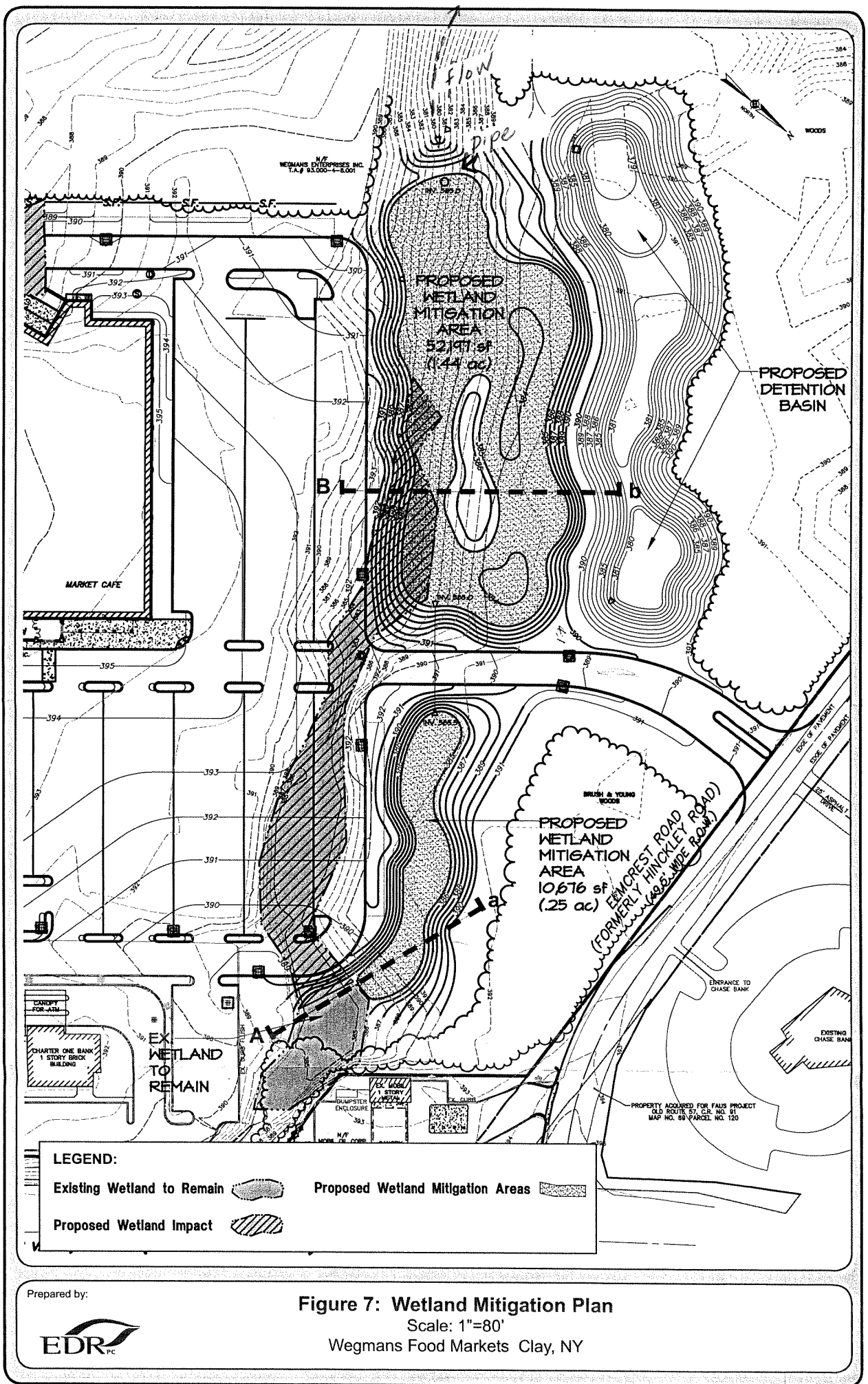
Figure 6: Wetland Impacts

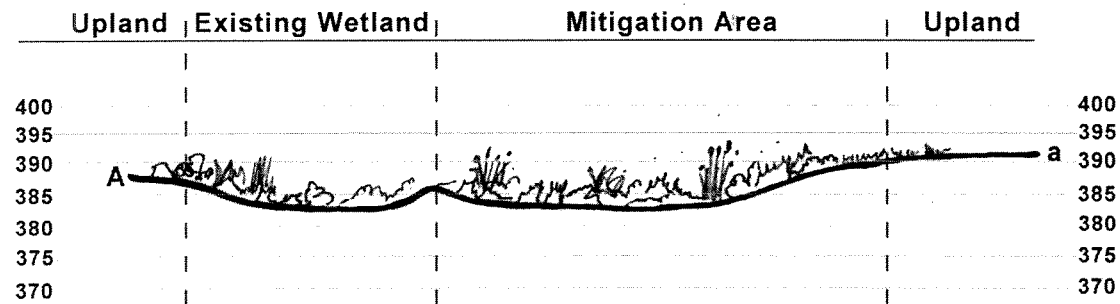
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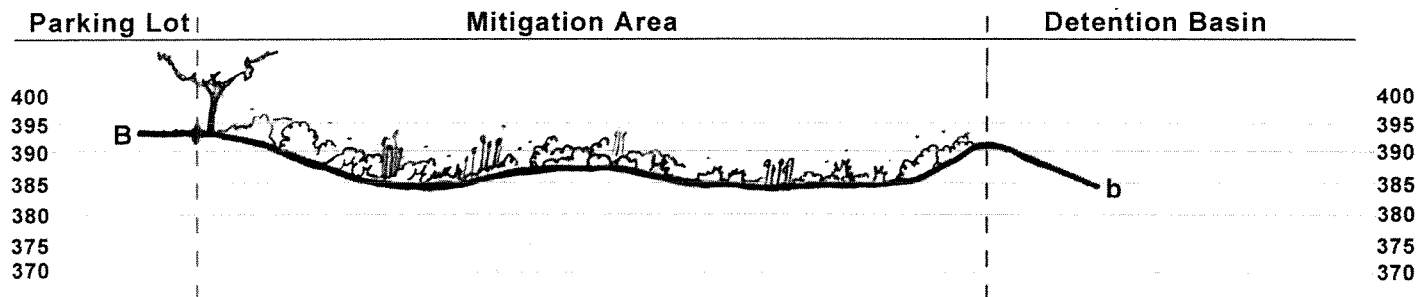
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Section A
Vertical Scale 1"=30'
Horizontal Scale 1"=50'



Section B
Vertical Scale 1"=30'
Horizontal Scale 1"=50'

Prepared by:



Figure 8
Cross Sections
Scale: As Noted

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contiguous wetland complex that presently exists, yet enhancing its water quality functions. The proposed wetland mitigation area will be designed to provide the following functions:

1. Stormwater detention and water quality improvement
2. Improved Sediment and nutrient retention
3. Habitat for wetland plant species
4. Passerine bird nesting, feeding and resting habitat

Proposed grading within the wetland mitigation area is designed to lower ground elevation to achieve saturated soil conditions and shallow standing water (less than 12 inches deep). Topsoil will be stripped from the proposed wetland mitigation area and temporarily stockpiled. The area will then be excavated 6-12 inches below the final elevation. Grading will be designed to create an area which mimics the impacted areas of Wetland "F", with an emergent condition, where water depths will reach a maximum of 6-8 inches, and with shrub covered side slopes. The 385' contour defines the extent of the created wetland area, and a deeper center basin will hold standing water (as with the adjacent existing wetlands). Pending final soil analysis and geotechnical investigations, a bentonite clay liner may be installed between the subsoil and topsoil layers, to improve moisture retention. Topsoil will be redistributed throughout the mitigation area (at a depth not to exceed 12 inches) to achieve final grades. The soils will be distributed in a rough manner so as to create uneven micro-topography and variability in hydrologic conditions. After final grading is completed all disturbed areas within the new wetland will be planted or seeded with Northeast Wetland Shrub seed mix or equivalent. It is also anticipated that natural recruitment by existing seed stock will occur. Species in the proposed seed mix include:

Percent by No. of seeds (not weight)		Scientific Name	Common Name
Shrub Portion			
6%	N	Cephalanthus occidentalis	Buttonbush
2.5%	N	Viburnum dentatum	Arrow Wood
2.5%	N	Sambucus canadensis	Elderberry
0.8%	N	Cornus amomum	Silky Dogwood
Herbaceous Portion			
40%	N	Verbena Hastata	Blue Vervain
17%	N	Eupatroium maculatum	Joe Pye Weed
17%	N	Scirpus polyphyllus	Many-leaved Bulrush
8%	N	Carex crinita	Fringed sedge
2.5%	N	Bidens cernua	Nodding Bur-marigold
1.8%	N	Asclepias incarnata	Swamp Milkweed
0.7%	N	Iris versicolor	Blue Iris
0.7%	N	Aster umbellatus	Flat-top White Aster
0.5%	N	Carex intumescens	Bladder Sedge

Source: 2004 Southern Tier Consulting Catalog, www.southerntierconsulting.com

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6.1 Monitoring, Success Criteria and Reporting

Following construction, a monitoring plan will be implemented to assure success of the mitigation area in accordance with permit requirements. The following monitoring procedures, success criteria and reporting requirements are proposed:

1. Submittal of an "as built" survey documenting construction of the required acreage of wetland (in accordance with final wetland mitigation plans and as verified by of EDR). Survey to be submitted to the Corps within 90 days following completion of construction.
2. Annual monitoring for up to 5 years, starting one year after construction of the mitigation area, to take place between July 1 and October 15 of each year. Hydrologic conditions and plant species coverage and frequency of occurrence to be documented in representative sample plots within the mitigation area. Success criteria for the mitigation area will include the following: 1) 85% vegetative cover, 2) 85% coverage by plant species with an indicator status of FAC or wetter, 3) 50% coverage by plant species with an indicator status of FACW or wetter (including at least one OBL species), and 4) no more than 10% coverage by purple loosestrife or common reed. An annual report, including vegetation and hydrologic data, photographic documentation, and a qualitative description of the progress of the mitigation effort, to be submitted to the Corps by December 31st of each year.
3. After the second full growing season, if annual monitoring shows that coverage by wetland plant species within the mitigation area is 85% or greater, then third and fourth year monitoring will be limited to photographic documentation and a qualitative status report. A full monitoring effort, as described in #2 above, will again be undertaken and a monitoring report submitted to the Corps at the end of the fifth full growing season.
4. If the success criteria are not met at the end of the third monitoring season, the owner will prepare a remediation plan outlining all practicable steps taken, or proposed to be taken, to achieve the success criteria described in #3 above. As mentioned previously, insufficient wetland hydrology could be addressed through the creation of connections with other on-site water sources. Regrading, replanting and/or means of controlling invasive species could also be proposed if necessary. The plan will be submitted to the Corps' Buffalo District office and implemented as approved.

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